

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOSEPH WILBORN,

Plaintiff,

v.

DAVID EALEY, *et al.*,

Defendants.

Case No. 13-cv-70-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 280) of Magistrate Judge Philip M. Frazier recommending the Court (1) deny the defendants’ motion for summary judgment (Doc. 213) as to defendants Andrew Bennett, David Ealey, Sean Henry, William Johnson, James Lloyd, William Rees, Sean Starkweather, and Angela Walter, (2) find moot the defendants’ motion for summary judgment (Doc. 213) as to defendants Ricky Daugherty, Douglas Mason, Shane Osman, Christopher Phemister, Derek Richardson, and Christopher Wehrenberg and (3) dismiss without prejudice defendants “Sort Team Drivers,” “Tac Team,” “Other Unknown Staff,” and “Unknown Lieutenant.” No party has objected to the Report.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file

and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 280);
- **DENIES** the motion for summary judgment (Doc. 213) as to defendants Andrew Bennett, David Ealey, Sean Henry, William Johnson, James Lloyd, William Rees, Sean Starkweather, and Angela Walter;
- **FINDS MOOT** the motion for summary judgment (Doc. 213) as to defendants Ricky Daugherty, Douglas Mason, Shane Osman, Christopher Phemister, Derek Richardson, and Christopher Wehrenberg;
- **DISMISSES without prejudice** unnamed defendants “Sort Team Drivers,” “Tac Team,” “Other Unknown Staff,” and “Unknown Lieutenant”; and
- **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case.

IT IS SO ORDERED.

DATED: December 11, 2015

s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**